

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

REC'D 12 OCT 2005

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To:

see form PCT/ISA/220

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/GB2005/000758

International filing date (day/month/year)
28.02.2005

Priority date (day/month/year)
05.03.2004

International Patent Classification (IPC) or both national classification and IPC
B05B1/26

Applicant
OPTIMA SOLUTIONS UK LIMITED

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☒ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☒ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

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**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/GB2005/000758

Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed; unless otherwise indicated under this item.
 - ☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
 - ☐ a sequence listing
 - ☐ table(s) related to the sequence listing
 - b. format of material:
 - ☐ in written format
 - ☐ in computer readable form
 - c. time of filing/furnishing:
 - ☐ contained in the international application as filed.
 - ☐ filed together with the international application in computer readable form.
 - ☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/GB2005/000758

**Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial
applicability**

The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non obvious), or to be industrially applicable have not been examined in respect of:

☐ the entire international application,

☒ claims Nos. 26, 27

because:

☐ the said international application, or the said claims Nos. relate to the following subject matter which does not require an international preliminary examination (*specify*):

☐ the description, claims or drawings (*indicate particular elements below*) or said claims Nos. are so unclear that no meaningful opinion could be formed (*specify*):

☐ the claims, or said claims Nos. are so inadequately supported by the description that no meaningful opinion could be formed.

☒ no international search report has been established for the whole application or for said claims Nos. 26, 27

☐ the nucleotide and/or amino acid sequence listing does not comply with the standard provided for in Annex C of the Administrative Instructions in that:

the written form

☐ has not been furnished

☐ does not comply with the standard

the computer readable form

☐ has not been furnished

☐ does not comply with the standard

☐ the tables related to the nucleotide and/or amino acid sequence listing, if in computer readable form only, do not comply with the technical requirements provided for in Annex C-bis of the Administrative Instructions.

☐ See separate sheet for further details

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/GB2005/000758

Box No. IV Lack of unity of invention

1. ☒ In response to the invitation (Form PCT/ISA/206) to pay additional fees, the applicant has:
- ☐ paid additional fees.
 - ☐ paid additional fees under protest.
 - ☒ not paid additional fees.
2. ☐ This Authority found that the requirement of unity of invention is not complied with and chose not to invite the applicant to pay additional fees.
3. This Authority considers that the requirement of unity of invention in accordance with Rule 13.1, 13.2 and 13.3 is
- ☐ complied with
 - ☒ not complied with for the following reasons:
see separate sheet
4. Consequently, this report has been established in respect of the following parts of the international application:
- ☐ all parts.
 - ☒ the parts relating to claims Nos. 1-25,28

Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	10,12,13,18-23
	No: Claims	1-9,11,14-17,24,25,28
Inventive step (IS)	Yes: Claims	10,12,13,22,23
	No: Claims	18-21
Industrial applicability (IA)	Yes: Claims	1-28
	No: Claims	

2. Citations and explanations

see separate sheet

Non-establishment of opinion (Item III)

1. As mentioned in Box II of the International Search Report, the International Searching Authority found multiple inventions in the present application. No additional search fees have yet been paid by the applicant. Consequently the search was carried out for claims 1 to 25, 28, and 29 only. Accordingly, the present opinion can only be based on these claims.

Unity of invention (Item IV)

1. The present application discloses two independent inventions: -
 - Independent claims 1 and 28 relate to a nozzle comprising a fluid deflector at the downstream end of a fluid channel to direct the fluid.
 - Independent claim 26 relates to a kit of parts comprising a body and a fluid deflector.
2. The structural features and the function of the subject-matter of independent claims 1 or 28 do not depend on any of the features mentioned by independent claim 26. Equally, the problem to be solved by the invention of claims 1 or 28 (directing fluid) is independent of the problem dealt with in claim 26 (providing a kit of parts).
3. As outlined above the present application contains two different subjects which comprise quite different structural features which determine different and independent functions which for their part concern different problems. A unifying inventive concept common to all subjects cannot be recognized. Thus there is a lack of unity of the invention according to Article 34(3)a) PCT (see Preliminary Examination Guidelines, chapter III, 7.6).

Novelty, inventive step, and industrial applicability (Item V)

Claim 1

1. From **US2207758 (D1)** (see page 3, left-hand column, line 30 to page 4, left-hand column, line 19 and figures 2 and 3) there is known a nozzle for a hose or fixed pipework installation, the nozzle comprising: a body; a channel extending through the body of the nozzle; and a fluid deflector arranged at or near the downstream end of the channel, and wherein the fluid deflector determines the direction of flow of the fluid as it leaves the nozzle.
2. Thus, it appears that the subject-matter of claim 1 is not new as required by Article 33(2) PCT.

Claims 2 to 5, 7 to 9, 11, 14 to 17, 23 to 25, and 28

3. The features of claims 2 to 5, 7 to 9, 11, 14 to 17, 23 to 25, and 28 are also known from document (D1) (loc. cit.). Thus, it appears that the subject-matter of these claims is not new as required by Article 33(2) PCT.

Claims 18 to 21

4. The nozzle of claims 18 to 21 differs from that of document (D1) in that the nozzle is further provided with sensor means located at various positions. It is, however, known in the art to provide a nozzle with sensor means in order to obtain various required data (e.g. temperature sensor in **EP339363 (D2)** or fluid flow sensor in **EP979681 (D3)**). In order to obtain various required data a skilled person would provide the nozzle of (D1) with corresponding sensor means at appropriate locations.
5. Thus, it seems that the subject-matter of claims 18 to 21 does not involve an

inventive step as required by Article 33(3) PCT.

Certain defects in the international application (Item VII)

1. Independent claims 1 and 28 are not drafted in the two part form specified in Rule 6.3b) of the PCT.
2. Reference numerals are missing after the technical features of the claims (see Rule 6.2b) and PCT Preliminary Examination Guidelines, part II, 5.11).